

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
 Washington, DC 20001-2866
 Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 15-1252 2. DATE DOCKETED: 08/03/2015
3. CASE NAME (lead parties only) American Chemistry Council v. Occupational Safety & Health Administration
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
 If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: Occupational Safety & Health Administration
 - b. Give agency docket or order number(s): _____
 - c. Give date(s) of order(s): June 5, 2015
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
 If so, when was it filled? _____ By whom? _____
 Has the agency acted? ☐ Yes ☐ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
Please see the attachment to this docketing statement.
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☐ Yes ☒ No If YES, identify case name(s), docket number(s), and court(s) _____
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☒ Yes ☐ No If YES, give case name(s) and number(s) of these cases and identify court/agency:
American Petroleum Institute, et al. v. DOL, et al., 15-1253, USCA for District of Columbia Circuit
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature /s/ Jonathan L. Snare Date 09/08/2015

Name of Counsel for Appellant/Petitioner Jonathan L. Snare

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

ACC members will be directly and severely impacted by the enforcement memorandum. In the memorandum, Occupational Safety and Health Administration (OSHA) adopted a portion of the Environmental Protection Agency's (EPA's) Risk Management Program (RMP) regulation implementing the Clean Air Act and made it applicable to OSHA's Process Safety Management

(PSM) standard. As a result, many chemical manufacturing processes at ACC members' facilities that previously were not covered by OSHA's PSM standard are now covered by that PSM standard for the first time. OSHA has thus required ACC members to expend millions of dollars in order to meet these new requirements. Finally, this Court has the authority to redress these injuries under the OSH Act, 29 U.S.C. § 655(f), and the APA, 5 U.S.C. §§ 553(b), 706(2).

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25, I hereby certify that a true and correct copy of the foregoing document was served through the Court's CM/ECF system, or by U.S. first-class mail, postage prepaid, in accordance with the Rules of this Court, upon:

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Dated at Washington, D.C., this 8th of September, 2015.

/s/ Jonathan L. Snare

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